

S.B. 976 (Jones of Taylor) Relating to evidence of payments of property taxes on mobile homes; providing penalties.

Senator Jones of Taylor offered the following amendment to the bill:

Amend S.B. No. 976 by substituting the following language for SECTION 6 of the bill:

SECTION 6. APPLICATION FORMS;STAMPS. The comptroller of public accounts shall prescribe an application form and a mobile home property tax stamp. Each county tax assessor-collector shall have a sufficient number of the form and the stamp prepared.

The amendment was read and was adopted.

On motion of Senator Jones of Taylor and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)

S.R. 315 (Jones of Harris) Expressing support for merger between Pan American World Airways, Inc., and National Airlines, Inc. (vv) Mauzy, Howard, Clower "Nay" Ogg "Present-Not Voting"

H.B. 761 (Snelson) Relating to the transfer of jurors impaneled by certain courts for use in justice courts. (31-0)

H.B. 1050 (Blake) Relating to the sale of eggs. (31-0)

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Jones of Harris in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Moore the Senate at 8:45 o'clock a.m. adjourned until 10:30 o'clock a.m. today.

FORTY-FIFTH DAY (Thursday, March 29, 1979)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Traeger, Truan, Vale, Williams.

Absent-excused: Snelson.

A quorum was announced present.

The Reverend John Poling, Duncanville Presbyterian Church, Duncanville, offered the invocation as follows:

Let us pray.

Almighty God You have plans for us and power to make them happen. Give the members of this Senate the knowledge of Your will for our state, for our nation and for our world. Help these Senators to seek justice, to love mercy and to walk humbly with You.

Give them the strength to resist evil and confound those who would bribe them with wealth or power.

Let them remember that they serve a public trust beyond personal gain or glory. And may they see that no state exists for itself alone, but is responsible to You, for the well-being of all Your children.

May each one here rejoice in Your love and excel in Your service. Amen.

On motion of Senator Moore and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Snelson was granted leave of absence for today on account of important business on motion of Senator Andujar.

MESSAGE FROM THE HOUSE

House Chamber
March 29, 1979

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT THE HOUSE HAS PASSED THE FOLLOWING:

HB 444, A bill to be entitled An Act relating to classes of persons not qualified to vote.

HB 471, A bill to be entitled An Act relating to blood tests in suits to establish paternity.

HB 512, A bill to be entitled An Act relating to an exemption from the limited sales, excise and use tax for certain telephone equipment for the deaf.

HB 860, A bill to be entitled An Act relating to reimbursement for dental services under certain health insurance policies.

HB 1056, A bill to be entitled An Act relating to officers who may take possession of abandoned vehicles.

HB 1146, A bill to be entitled An Act relating to the custody, control, operation, and maintenance of aircraft owned or leased by the state.

S.C.R. 3 Granting Sperry Rand Corporation permission to sue the State of Texas.

S.C.R. 15 Granting Grace Nunez permission to sue the State of Texas.

S.C.R. 24 Granting C. K. Koelle, et al permission to sue the State of Texas.

HCR 51, Granting permission to Library Bureau, Division of Mohawk Valley Community Corporation to sue the state.

HCR 59, Granting permission to General Food Equipment and Supply Company to sue the state.

S.C.R. 59 Granting either house permission to adjourn in observance of Easter

H.C.R. 137 In memory of George Humphreys

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

BILL SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill:

H.B. 1059

REPORTS OF STANDING COMMITTEES

Senator Creighton submitted the following report for the Committee on Economic Development:

C.S.S.B. 22 (Read first time)

Senator Schwartz submitted the following report for the Committee on Natural Resources:

S.B. 643

S.B. 577 (Amended)

S.B. 795 (Amended)

S.B. 910 (Amended)

S.B. 1181

S.C.R. 48

S.C.R. 47

S.C.R. 46

S.C.R. 51

S.C.R. 45

C.S.S.B. 580 (Read first time)

C.S.S.B. 199 (Read first time)

C.S.S.B. 794 (Read first time)

C.S.S.B. 804 (Read first time)

C.S.S.B. 1160 (Read first time)

Senator Moore submitted the following report for the Committee on State Affairs:

S.B. 1122
S.B. 678 (Amended)
S.B. 1107
S.J.R. 39 (Amended)
S.B. 885
S.B. 778
S.B. 777 (Amended)
S.B. 740
S.B. 498 (Amended)
C.S.S.B. 608 (Read first time)
C.S.S.B. 994 (Read first time)
C.S.S.B. 393 (Read first time)

Senator Parker, Vice-Chairman, submitted the following report for the Committee on Intergovernmental Relations:

S.B. 327
C.S.S.B. 490 (Read first time)
C.S.S.B. 388 (Read first time)
C.S.S.B. 308 (Read first time)
C.S.S.B. 149 (Read first time)

Senator Mauzy submitted the following report for the Committee on Education:

S.B. 1026
S.B. 530 (Amended)
S.B. 694 (Amended)
S.B. 634
S.B. 531
S.B. 303 (Amended)

SENATE BILLS AND RESOLUTION ON FIRST READING

On motion of Senator Patman and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 1205 by Mengden Jurisprudence
Relating to analyses of initiative and referendum measures.

S.B. 1206 by Andujar State Affairs
Relating to referenda submitted on the primary election ballot.

S.B. 1207 by Andujar Economic Development
Relating to a first lien on certain property, amending Chapter 6, Title 79, Revised Civil Statutes of Texas, 1925, as amended (Article 5069 — 1.01 et seq., Vernon's Texas Civil Statutes), by amending Article 6.05.

S.B. 1208 by Howard State Affairs
Relating to eligibility for a certificate of public convenience and necessity to operate as a restricted parcel motor carrier.

S.B. 1209 by Kothmann State Affairs
Relating to the date, hour and place of the state convention of the political parties.

S.B. 1210 by Santiesteban Education
Relating to the establishment of parenting education as a required course of study.

S.B. 1211 by Traeger Intergovernmental Relations
Relating to the undertaking and financing of certain municipal public works or improvements in areas in need of rehabilitation.

S.B. 1212 by Harris Economic Development
Relating to the power of certain life insurance companies to provide coverage for aircraft risks through reinsurance; amending a certain section of the Texas Insurance Code;

S.B. 1213 by Mengden State Affairs
Relating to standard weapons and ammunition for use by peace officers.

S.B. 1214 by Mengden State Affairs
Relating to weapons proficiency of commissioned security officers.

S.B. 1215 by Mengden State Affairs
Relating to weapons proficiency of peace officers.

S.C.R. 63 by Patman Natural Resources
Directing the Commissioner of Agriculture to establish a task force to examine the problems relating to grain dust explosions and to coordinate state government activities concerning the grain elevator and milling industries.

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read the first time and referred to the Committee indicated:

H.B. 654, To Committee on Intergovernmental Relations.

H.B. 710, To Committee on Jurisprudence.

H.B. 1150, To Committee on State Affairs.

H.B. 1068, To Committee on State Affairs.

H.C.R. 49, To Committee on Education.

SENATE RESOLUTION 364

Senator Howard offered the following resolution:

WHEREAS, Today is an important date in the history of the Third Senatorial District of Texas; March 29 marks the beginning of a new year for the Senator from Nacogdoches; and

WHEREAS, Roy Blake is a lifelong native of Nacogdoches, his family having lived there for four generations; his father, grandfather, and great-grandfather all held public office; his mother was a member of the Daughters of the Republic of Texas and Daughters of the American Revolution; and

WHEREAS, He attended Texas A&M University and later received his bachelor of science degree from Stephen F. Austin State University; he served honorably and with distinction in the United States Navy and returned to Nacogdoches to pursue his career in insurance and real estate; and

WHEREAS; Before his election to the Texas Senate in 1978, Senator Blake served in the Texas House of Representatives; he presently serves on the Senate Finance Committee, the Jurisprudence Committee, and the Administration Committee; and

WHEREAS, During his three terms in the House of Representatives, he was active in legislation that increased the funding for farm roads and played a key role in the legislative process while serving as chairman of the Calendars Committee; and

WHEREAS, His lovely and gracious wife, Mae Deanne, and his children, Roy, Jr., Martha, Kaki, Ben, and Mary Ann have built with him a strong family relationship of mutual support and love which is the fuel for his endeavors in the service of his state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 66th Legislature, hereby congratulate Roy Blake on the occasion of his birthday and wish him a healthy and happy celebration with many more of the same in store for him in the future; and, be it further

RESOLVED, That official copies of this Resolution be prepared for the Senator as a token of the warmest personal regards from the members of the Texas Senate.

The resolution was read.

On motion of Senator Jones of Harris and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Howard and by unanimous consent, the resolution was considered immediately and was adopted.

HOUSE CONCURRENT RESOLUTION 132

The President laid before the Senate the following resolution:

H.C.R. 132, Commending The Honorable Ned Price for his long and distinguished service to the State of Texas.

The resolution was read.

On motion of Senator Creighton and by unanimous consent, the resolution was considered immediately and was adopted.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas
March 28, 1979

TO THE SENATE OF THE SIXTY-SIXTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE TEXAS BOARD OF HEALTH:

For a six-year term to expire February 1, 1985:

MR. JOE N. PYLE, P.E. of San Antonio, Bexar County, is replacing Mr. Jack E. Brown of Lubbock, Lubbock County, whose term expired. Mr. Pyle will be representing civil engineers on the Board.

TO BE A MEMBER OF THE TEXAS BOARD OF LICENSURE FOR NURSING HOME ADMINISTRATORS:

For a six-year term to expire January 31, 1985:

DR. DAVID B. OLIVER of San Antonio, Bexar County, is replacing Mr. Francis A. Flynn of Austin, Travis County, whose term expired. Dr. Oliver will be filling the educator position on the Board.

TO BE A MEMBER OF THE COMMISSION FOR INDIAN AFFAIRS:

For a six-year term to expire January 31, 1985:

MR. ALBERT FRANKLIN HELDENBRAND of Selman City, Rusk County, is replacing Mr. Dempsie Henley of Liberty, Liberty County, whose term expired.

TO BE A MEMBER OF THE BOARD OF REGENTS OF TEXAS SOUTHERN UNIVERSITY:

For a six-year term to expire February 1, 1985:

MRS. MARJORIE MEYER ARSHT of Houston, Harris County, is replacing Mr. Richard Reyes of San Antonio, Bexar County, whose term expired.

MR. HOWARD D. KIRVEN of Dallas, Dallas County, is replacing Mr. George L. Allen of Dallas, Dallas County, whose term expired.

MR. WINSTON R. WEBSTER of Houston, Harris County, is replacing Mr. Judson Robinson, Jr. of Houston, Harris County, whose term expired.

TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TRINITY RIVER AUTHORITY OF TEXAS:

For a six-year term to expire March 15, 1985:

MR. JIMMY C. PAYTON of Euless, Tarrant County, is being reappointed.

Respectfully submitted,

/s/W. P. Clements, Jr.
Governor of Texas

CONSIDERATION OF NOMINATIONS

The President announced that the time had arrived for the Senate to consider the nominations to agencies, boards and commissions. (Notice of submission of these names having been given by Senator McKnight yesterday.)

REPORT OF STANDING COMMITTEE

Senator McKnight submitted the following report for the Committee on Nominations:

TO THE SENATE OF THE SIXTY-SIXTH LEGISLATURE, REGULAR SESSION:

We, your Subcommittee on Nominations, to which were referred the attached appointments, have had same under consideration, and beg to report them back to the Senate for final consideration.

To be Members of the TEXAS BOARD OF HEALTH: Isadore Roosth, Smith County; Dr. Laurance N. Nickey, El Paso County; Sister Bernard Marie Borgmeyer, Nueces County.

To be Members of the BOARD OF DIRECTORS, BRAZOS RIVER AUTHORITY: M. Dunman Perry, Jr., Palo Pinto County; Douglas A. McCrary, Robertson County.

To be a Member of the FINANCE COMMISSION OF TEXAS, BUILDING AND LOAN SECTION: B. Hutch Carter, Tarrant County.

To be a Member of the TEXAS BOARD OF LICENSURE FOR NURSING HOME ADMINISTRATORS: Clint L. Hines, Newton County.

To be a Member of the STATE BOARD OF NURSE EXAMINERS: Mrs. Pauline Barnes, Bowie County.

To be a Member of the TEXAS DEEPWATER PORT AUTHORITY: Charles A. Kroll, Brazoria County.

Senator McKnight moved confirmation of the nominees reported by the Subcommittee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The nominees as reported by the Subcommittee on Nominations were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Snelson.

(Senator McKnight in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 1019 ON SECOND READING

On motion of Senator Kothmann and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1019, Relating to the purchase of meat from Texas meat packers by state agencies.

The bill was read second time.

(President in Chair)

Senator Moore offered the following amendment to the bill:

Amend CSSB 1019 by inserting a period (.) after the word "agency" on line 2, page 2, and striking the rest of the sentence.

The amendment was read and was adopted.

On motion of Senator Kothmann and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 1019
ON THIRD READING**

Senator Kothmann moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1019** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Snelson.

The bill was read third time and was passed.

SENATE BILL 1154 ON SECOND READING

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1154, Vesting the Clear Lake City Water Authority (the "Authority") with solid waste collection and disposal powers, parks and recreational facility powers, fire-fighting and fire prevention powers, the power, under Article III, Section 52 of the Constitution of the State of Texas, to issue bonds secured by taxes and levy and collect such taxes for road construction, maintenance and operation after the approval at an election by two-thirds of qualified electors who vote; etc., and declaring an emergency.

The bill was read second time.

Senator Schwartz offered the following amendment to the bill:

Strike all below its enacting clause and substitute the following:

Section 1. The provisions of this Act are subject to and shall be effective only so long as the Clear Lake City Water Authority (the "Authority") is performing services in accordance with a contract for the allocation of governmental services and the apportionment of ad valorem taxes between the Authority and a home rule city, town, or village in a county having a population in excess of 1,200,000, according to the last preceding or any future federal census.

Section 2. The Authority shall have the power to construct, lease, purchase or otherwise acquire, own, operate, use, maintain, repair, improve and extend a solid waste collection and disposal system and make proper charges for the services provided thereby. The term "solid waste collection and disposal system" shall mean any or all real, personal or mixed property or contract right, or any interest therein deemed necessary or appropriate by the Authority for the collection or disposal, either within or outside the boundaries of the Authority, of "solid waste," as that term is defined by Article 4477-7, Vernon's Texas Civil Statutes, as amended.

Section 3. The Authority shall have the power to construct, lease, purchase or otherwise acquire, own, operate, use, maintain, repair, improve and extend parks, playgrounds and recreational facilities and any or all real, personal or mixed property or contract right, or any interest therein deemed necessary or appropriate by the Authority for use by persons who reside within or outside the boundaries of the Authority.

Section 4. The Authority shall have the power to construct, lease, purchase or otherwise acquire, own, operate, use, maintain, repair, improve and extend fire-fighting and fire prevention equipment and appliances, including, but not limited to, fire engines, fire stations, alarm systems, and any or all real, personal or mixed property or contract right, or any interest therein deemed necessary or appropriate by the Authority to protect the persons and property within or outside the boundaries of the Authority from fire.

Section 5. In addition to all other powers granted to the Authority, it may, after approval by a two-thirds majority of the qualified electors voting at an election called for the purpose, issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of the Authority and levy and collect ad valorem taxes in an amount sufficient to pay the interest thereon and provide a sinking fund for the redemption thereof, in accordance with the provisions of Article III, Section 52 of the Constitution of Texas, for the construction, maintenance and operation of macadamized, graveled or paved roads or bridges, or in aid thereof, serving areas within the Authority.

The election shall be called, conducted, and canvassed and notice thereof shall be given in accordance with the provisions of law governing the conduct of bond elections by the Authority, provided, however, that the ballot proposition shall read as follows: "The issuance of bonds to be repaid from an adequate levy of ad valorem taxes for the construction, maintenance and operation of macadamized, graveled or paved roads, or in aid thereof, serving areas within or adjacent to the Authority.

Section 6. The Authority, may, after approval by a two-thirds majority of the qualified electors voting at an election called for the purpose, levy and collect ad valorem taxes in an amount sufficient to maintain or operate the macadamized, graveled or paved roads serving areas within or adjacent to the Authority. The election shall be called, conducted and canvassed and notice thereof shall be given in accordance with the provisions of law governing the conduct of maintenance tax elections by the Authority.

Section 7. The Authority may, after approval by a majority of the qualified electors voting in an election called for the purpose, issue bonds or otherwise lend its credit in any amount for any or all of its purposes and may levy, assess and collect ad valorem taxes in an amount sufficient to repay such bonds or other lending of credit. Any such election shall be called, conducted and canvassed in the manner prescribed for bond elections of the Authority.

Section 8. The Authority may, after approval by a majority of the qualified electors voting in an election called for the purpose, levy, assess and collect ad valorem taxes in an amount sufficient to maintain and operate the Authority, or its properties, or to comply with any provision of its contracts. Any such election shall be called, conducted and canvassed in the manner prescribed for maintenance tax elections by the Authority; provided, however, that such elections may be conducted on any date on which a bond election of the Authority could have been conducted.

Section 9. Bonds issued by the Authority to provide water, sanitary sewer or drainage improvements or facilities shall continue to be subject to review and approval by the Texas Water Commission. Bonds issued by the Authority for

any other purpose shall be subject to review only by the Attorney General of Texas.

Section 10. The Authority shall have the power to provide emergency medical services, including but not limited to, ambulance and first-aid services and shall have the power to construct, lease, purchase or otherwise acquire, own, operate, use, maintain or repair, any and all real, personal or mixed property or contract rights, or any interest therein, deemed necessary or appropriate to the provision of these services by the Authority.

Section 11. The Authority may establish any charges, deposits, stand-by fees, tap fees, assessments or other source of revenue deemed necessary or appropriate by the Authority for the provision or exercise of any of its powers or services.

Section 12. Dissolution of the Authority. The provisions of Article 1182c-1 through 1182c-5, Vernon's Texas Civil Statutes, as amended, or other similar law hereafter enacted, shall not apply to the Authority, so long as it is performing services in accordance with a valid contract for the allocation of governmental services and the apportionment of ad valorem taxes between the Authority and a home rule city, town, or village in a county having a population in excess of 1,200,000, according to the last preceding or any future federal census, which contract calls for the exercise, by the Authority, of firefighting, solid waste, parks and recreation, water, sewer or drainage powers. The Authority may be dissolved after the dissolution has received approval of a majority of the qualified electors voting in an election called for the purpose of determining whether to dissolve the district. The dissolution election may be called by the Board of Directors only after receipt by it of a petition requesting such an election, signed by twenty-five percent (25%) of the qualified electors within the Authority. Within sixty (60) days after receipt of such a petition, the Board of Directors must adopt a plan by which all contractual obligations of the Authority will be honored prior to, or coincident with, the dissolution of the Authority. If the Board of Directors determines that no such plan is feasible, it shall reject the petition for the dissolution election. If the Board of Directors adopts such a plan, it shall call the dissolution election and give notice thereof in the manner provided for bond elections. The ballots for the election shall be printed to provide for voting for or against the proposition: "The dissolution of the Authority." The election shall be conducted and canvassed in the manner prescribed for bond elections. If the dissolution of the Authority is approved at the election, the Board of Directors shall implement the plan by which all contractual obligations of the Authority are honored and shall proceed to dissolve the Authority at the earliest practical time.

Section 13. Board of Directors. Upon the entry of an order voted for by a majority of the membership of the Board of Directors of the Authority, the Board of Directors of the Authority may be enlarged to seven (7) members. The election to fill such two additional positions shall be held in the following manner:

- A. A special election shall be conducted on a day not less than 60 days after the entry of the order of the Board of Directors creating the additional two positions. The terms of the directors elected at the special election shall commence on the date of their election to and qualification as a director and shall expire as follows: (1) one term shall expire on the same date as that of the director(s) elected at the last regular directors election; and (2) the other term shall expire on the same date as that of the director(s) elected at the next to last regular directors election.

- B. At the next regular directors election, the positions of the directors whose terms regularly expire, together with the position of the additional director whose term expires on the same date, shall be filled by election of the voters of the Authority. At the next following regular directors election, the positions of the directors whose terms then regularly expire, together with the position of the additional director whose term expires on the same date, shall be filled by election of the voters of the authority.
- C. Nothing herein shall be deemed to alter the qualifications or terms of office of the members of the governing body of the Authority.
- D. After the Board of Directors has been enlarged to seven (7) members, the concurrence and signature of (5) directors shall be required for letting construction contracts and drawing warrants on the depository for payment of the contracts.

Section 14. The Authority may adopt and enforce reasonable rules and regulations in regard to any or all services provided by it in the following manner:

- A. The board shall publish once a week for two (2) consecutive weeks a substantive statement of the rules and the penalty for their violation in one or more newspapers with general circulation in the area in which the Authority is located.
- B. The substantive statement shall be condensed as far as possible to intelligently explain the purpose to be accomplished or the act forbidden by the rules.
- C. The notice must advise that breach of the rules will subject the violator to a penalty and that the full text of the rules are on file in the principal office of the Authority where they may be read by any interested person.
- D. Any number of rules may be included in one notice.
- E. After the required publication, rules adopted by the Authority under Paragraph A of this Section shall be recognized by the courts as if they were penal ordinances of a city.
- F. The penalty for violation of a rule is not effective and enforceable until five (5) days after the publication of the notice. Five (5) days after the publication, the published rule shall be in effect and ignorance of it is not a defense to a prosecution for the enforcement of the penalty.
- G. The board may set reasonable penalties for the breach of any rule of the Authority which shall not exceed fines of more than \$200 or imprisonment for more than 30 days or both for each day of each violation.
- H. These penalties shall be in addition to any other penalties provided by the laws of the State and may be enforced by complaints filed in the appropriate court of jurisdiction in the county in which the Authority's principal office is located.

Section 15. The Authority shall have the power to issue refunding bonds in the manner set forth in Section 54.514, Texas Water Code, as now or hereafter amended.

Section 16. Notwithstanding any contrary provision of the law, including but not limited to Section 12 of Article 8280-280, Vernon's Texas Civil Statutes, as amended, all bonds payable solely from the net revenues of the Authority's operations or from the proceeds of any contract for the Authority's service may be issued only after such bonds are authorized at an election held in the manner prescribed by the general laws pertaining to authorization of bonds to be issued by water control and improvement districts.

Section 17. The Board of Directors may determine that it is necessary or appropriate to meet any of the needs of the Authority to issue negotiable tax anticipation notes to borrow the money needed by the Authority. Tax anticipation notes may bear interest at any rate or rates not to exceed ten percent (10%) and shall mature within one (1) year of their date. Tax anticipation notes may be issued for any purpose for which the Authority is authorized to levy taxes, and tax anticipation notes shall be secured with the proceeds of taxes theretofore levied or to be levied by the Authority in the succeeding 12-month period. The Board of Directors may covenant with the purchasers of the notes that it will levy a sufficient tax in the following October to pay principal of and interest on the notes and pay the costs of collecting the taxes. Tax anticipation notes may be issued for any purpose for which taxes of the Authority may have previously been voted or may be issued for the purpose of refunding previously issued tax anticipation notes.

Section 18. The Authority may employ or otherwise engage any and all personnel deemed necessary or appropriate by the Authority for the provision or exercise of any or all of its services and powers, including, but not limited to, administrators, park police, off-duty peace officers, engineers, attorneys, planners, independent contractors or any other persons or entities. In addition, the Board of Directors may appoint such additional commissions as it deems appropriate to assist in the exercise of any of its functions.

Section 19. The provisions of this Act are severable. If any word, phrase, clause, paragraph, sentence, section, part, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid; and the legislature hereby declares that the Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, section, part, or provision.

Section 20. The Legislature hereby expressly determines and finds that all of the property included within the boundaries of the Authority or served by facilities to be owned or operated by the Authority will be benefited by the works and projects to be accomplished by the Authority, and the power hereby vested in the Authority will serve a public purpose by conserving the reclaiming the natural resources of the State of Texas.

Section 21. This Act shall be liberally construed to effectuate its purpose, and its provisions shall be construed as cumulative of all other provisions of law relating to the subject matter.

Section 22. The Legislature hereby finds and determines that a proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published at least thirty (30) days and not more than ninety (90) days prior to the introduction of this Act in the Legislature in a newspaper having general circulation in Harris County, Texas; that a copy of such notice and this Act have been delivered to the Governor of Texas who has submitted such notice and Act to the Texas Water Commission, and said Texas Water Commission has filed its recommendation to such Act with the Governor, Lieutenant Governor and Speaker of the House of Representatives within thirty (30) days from the date notice was received by the Texas Water Commission. The Legislature further finds and determines that all requirements of Article XVI, Section 59 of the Constitution of the State of Texas have been met.

Section 23. No Requirement to Contract or Forsake Remedies. Nothing contained herein shall be construed to require the Authority to enter into any contract with any city, town or village or forgive or forsake any legal remedy or action, or provide any service not instituted by contracts duly entered into in the regular course of business by the Authority.

Section 24. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house should be suspended, and that this Act take effect and be in force from and after the date of its passage, and said rules are hereby suspended, and it is so enacted.

The amendment was read and was adopted.

Senator Schwartz offered the following amendment to the bill:

Amend the caption of **S.B. 1154** to read as follows:

providing conditions for when this Act is effective; vesting the Clear Lake City Water Authority (the "Authority") with solid waste collection and disposal powers, parks and recreational facility powers, fire-fighting and fire prevention powers, the power, under Article III, Section 52 of the Constitution of the State of Texas, to issue bonds secured by taxes and levy and collect such taxes for road construction, maintenance and operation after the approval at an election by two-thirds of qualified electors who vote; the power, under Article III, Section 52 of the Constitution of the State of Texas to levy and collect a road maintenance tax; the power to issue bonds and levy, assess and collect ad valorem taxes for any of its purposes after approval at an election; the power to levy, assess and collect a maintenance tax for any of its purposes; providing for emergency medical services; providing for review and approval of the bonds of the Authority; empowering the Authority to establish fees for its services; providing for a manner of dissolving the Authority; permitting expansion of the Board of Directors; enabling the Authority to enact and enforce reasonable rules and regulations; permitting the Authority to issue refunding bonds; requiring the approval at an election before the Authority may issue revenue bonds; authorizing the Authority to issue negotiable tax anticipation notes; authorizing the Authority to employ or engage personnel; providing a severability clause; finding public benefit; requiring liberal construction; finding compliance with requirements of Article XVI, Section 59 of the Constitution of the State of Texas; providing for no requirement to contract or forsake remedies; containing other provisions; and declaring an emergency.

The amendment was read and was adopted.

The bill as amended was passed to engrossment.

SENATE BILL 1154 ON THIRD READING

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1154** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Snelson.

The bill was read third time and was passed.

PRESENTATION OF GUEST

The President presented to the Members of the Senate The Honorable William P. Clements, Jr., Governor of the State of Texas.

MESSAGE FROM THE HOUSE

House Chamber
March 29, 1979

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT THE HOUSE HAS PASSED THE FOLLOWING:

S.B. 661, Relating to the charges on an installment contract for a commercial vehicle. (With amendments)

S.C.R. 23 creating a special committee to study the need for restoration and renovation of the Gov. Mansion (With amendments)

S.C.R. 30 expressing support for **H.J.R. 39**, introduced by Con. Phil Gramm, requiring a balanced federal budget

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 1155 ON SECOND READING

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1155, Relating to allocation of governmental services and a corresponding apportionment of ad valorem taxes between certain cities and certain districts vested with powers under both Article XVI, Section 59, and Article III, Section 52, of the Texas Constitution; authorizing contracts between such districts and such cities with respect to common areas and with respect to such allocation and apportionment; containing provisions relating to performance of services, approval of contracts, liability, contractual indemnity, district rules and regulations, and disannexation; providing that this Act shall be cumulative but that such districts and cities shall be governed solely by this Act in certain respects; containing findings and other provisions relating to the subject.

The bill was read second time.

Senator Schwartz offered the following committee amendment to the bill:

Add a new Section 15, the existing Section 15 to be renumbered Section 16, such new Section 15 to read as follows:

"SECTION 15. CERTAIN AREAS EXCLUDED. The provisions of this Act shall not apply to any area which contains ten (10) or more separate water and sewer utility systems constructed, or caused to be constructed, by ten (10) or more separate water districts organized and existing under the provisions of Article XVI, Section 59 of the Texas Constitution."

The committee amendment was read.

Senator Schwartz offered the following substitute for the committee amendment:

SECTION 1. FINDINGS. The Legislature of the State of Texas finds that: (i) economy, efficiency, and equity in government require authority for an allocation of the responsibility for providing services between political subdivisions authorized to provide such services within the same area; (ii) cities, including home-rule cities, and other political subdivisions are best able to promulgate a detailed allocation of the responsibility for such services; (iii) local governments and political subdivisions need specific authorization to redistribute proportionately the ad valorem tax burden to match the allocation of responsibility for such services; and (iv) such redistribution and allocation of responsibility will enhance economy and efficiency of local government by eliminating duplicitious services and will preserve equality and uniformity of taxation.

SECTION 2. PURPOSE. The purpose of this Act is to provide authorization for the allocation of governmental services and the corresponding apportionment of ad valorem taxes to reflect such allocations.

SECTION 3. DEFINITIONS. "District" shall mean any district vested with powers under both Article XVI, Section 59, and Article III, Section 52, of the Texas Constitution, having express statutory authority to provide all of the allocable services hereinafter defined, and being located in whole or in part within the boundaries of a city hereinafter defined.

"City" shall mean a city, town, or village in a county having a population in excess of 1,200,000, according to the last preceding or any future federal census.

"Common area" shall mean an area which is located within the boundaries of a city and within the boundaries of a district and which may be further defined in any contract entered pursuant to Section 4 of this Act.

"Allocable services" shall be functions or services which both a city and a district are lawfully authorized to provide within a common area, and which may include the following: (i) fire fighting; (ii) construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes; (iii) solid waste collection, handling, storage, and disposal; (iv) parks and recreation; (v) waterworks system services; (vi) sanitary sewer system services; and (vii) storm sewer system and drainage facility services.

"Apportionment factor" shall be a percentage of the ad valorem taxes levied by a city against property located in a common area. The apportionment factor shall be defined in a contract authorized by Section 4 of this Act, but any apportionment factor shall be subject to change in the manner set out in Section 7 of this Act.

SECTION 4. AUTHORITY TO ENTER INTO CONTRACTS. A district and a city are hereby authorized to enter into contracts with respect to the provision of one or more allocable services in a common area. Any such contract shall contain: (i) a specific description of those allocable services to be performed by the district; (ii) a specific percentage of the city's ad valorem taxes attributable by the terms of such a contract to each of the services which are to be performed by the district; (iii) the sum of such percentages, which sum shall

be the apportionment factor; (iv) an effective date; (v) a term, not to exceed 40 years; and (vi) a provision as to liability pursuant to Section 9 of this Act. Any such contract may contain findings relating to this Act, a definition of the common area, and provisions and procedures designed to implement the provisions of this Act or to promote cooperation between the district and the city. Any such contract may contain a provision for alternate apportionment factors to be used in the first year or in any partial year that such a contract is in effect. To be effective, any such contract must be approved and executed in accordance with the provisions of Section 8 of this Act.

SECTION 5. APPORTIONMENT OF TAXES. When a contract authorized by Section 4 of this Act is in effect, current ad valorem taxes levied upon each item of property within the common area shall be apportioned between the district and the city as set out in this section. Each taxpayer owning property within the common area shall pay to the district the full amount of ad valorem taxes levied by the district. Each such taxpayer shall pay to the city the full amount of the ad valorem taxes levied by the city, less the actual dollar amount of ad valorem taxes levied by the district and paid by such taxpayer to the district; provided, however, that the full amount of ad valorem taxes levied by the city against the property of such a taxpayer shall not be reduced by a dollar amount greater than the product of the then-current apportionment factor multiplied by the ad valorem taxes levied by the city against the property of such taxpayer. The actual dollar amounts of current taxes shall be used for the apportionment called for by this section. Interest and penalties, if any, shall not be used in the calculations called for by this section, but shall accrue to each taxing entity in proportion to the delinquent taxes due to that entity. In any legal proceedings brought to collect ad valorem taxes which are subject to apportionment under this section, if the defendant has not paid the full amount of taxes levied by the district, both the district and the city shall be necessary parties.

SECTION 6. PERFORMANCE OF SERVICES. Whenever one or more allocable services are to be provided by a district pursuant to a contract authorized by Section 4 of this Act, such services shall be at least generally equivalent to the same or similar services provided by the city to other areas within the city outside the common area having similar characteristics of topography, patterns of land utilization, and population density. Only the parties to a contract authorized by Section 4 of this Act may enforce the provisions of this section.

SECTION 7. CHANGES IN APPORTIONMENT FACTOR. When a contract authorized by Section 4 of this Act is in effect, if the city establishes, by bond indenture or other contract, a separate enterprise fund which segregates user fees received by the city sufficient to provide (within the city but outside the common area) one or more of the services which are allocated to the district within the common area, then the apportionment factor shall be reduced by the specific percentage specified in such contract attributable to such service. The city shall give notice to the district of the effective date and the nature of such change. Likewise, if the city disestablishes, in whole or in substantial part, any such enterprise fund (as, for example, by a defeasance of revenue bonds) so that such service is thereafter provided and financed, in whole or in substantial part, out of the general fund of the city, then the percentage specified in such contract attributable to such service (and, correspondingly, the apportionment factor) shall be increased in proportion to the increase in financing by the general fund of such city. The increase shall be calculated as a percentage equal to a fraction, the numerator of which is the projected expenditure by the city out of the general fund for such service for that year, and the denominator of which is the

projected total of city ad valorem tax collections for that year. Such increased percentage must be specified in an amendment to the then-existing contract.

SECTION 8. APPROVAL AND EXECUTION OF CONTRACTS. (a) To be effective as to a district, a contract authorized by this Act must be approved by the governing body of the district and must be executed by the presiding officer of such governing body, provided, however, that at least one of the propositions set forth in this section must first be approved by the requisite number of votes for passage at an election conducted by the district.

If the governing body orders an election on the question of authorizing a tax for construction, maintenance, and/or operation of macadamized, graveled, or paved roads and turnpikes ("road services" hereinafter), the governing body shall, in the election order, specify which road services are to be provided out of such tax and shall submit to the voters of the district the following proposition:

Shall the levy of the proposed road services tax to provide for (the district's) obligations under a contract pursuant to (this Act) be authorized?

If the governing body orders an election on the question of authorizing a tax for one or more allocable services other than road services ("general services" hereinafter), the governing body shall, in the election order, specify which of such general services are to be provided out of the proceeds of such tax and shall submit to the voters of the district the following proposition:

Shall the levy of the proposed general services tax to provide for (the district's) obligations under a contract pursuant to (this Act) be authorized?

The governing body may submit either or both propositions to the voters. If either proposition receives the requisite number of votes for passage, the governing body shall be authorized to approve a contract with respect to the services specified in the order calling the respective election.

No signature, on behalf of a district, other than that of the presiding officer of the governing body of a district, shall be necessary on such a contract.

(b) To be effective as to a city, a contract authorized by this Act must be approved by an ordinance of its governing body and executed by the chief executive officer of such city. No further signature on behalf of the city shall be necessary on such a contract.

(c) The governing bodies of a district and a city may authorize amendments or supplements to a contract which is in effect, without the necessity of an election, if no increase is necessary in the level of ad valorem taxes authorized by the district's voters.

SECTION 9. LIABILITY. Whenever one or more allocable services are to be performed by a district pursuant to a contract authorized by Section 4 of this Act, the city shall never be held liable to the district or to any third party for any cost, expense, damage, or claim arising out of, or in relation to, any act or omission of the district or the officers, agents, or employees of the district, with respect to such service or services. As to such acts or omissions, and as between the city and the district, the district shall have sole responsibility and shall fully indemnify the city and hold the city harmless from and against any such cost, expense, damage, or claim, whether such cost, expense, damage, or claim is asserted during or after the term of a contract authorized by this Act.

SECTION 10. EQUALITY AND UNIFORMITY REQUIRED. When a contract authorized by Section 4 of this Act is in effect, all taxes, user fees, charges, and assessments levied or collected by the district within the boundaries of the district shall be equal and uniform. No tax, user fee, charge, or assessment of the district shall be imposed, modified, or abated within the common area unless such imposition, modification, or abatement is made uniformly throughout the district.

SECTION 11. DISTRICT RULES AND REGULATIONS. The district, as it may be authorized by law, shall establish reasonable rules and regulations relating to the provision of services allocated to the district pursuant to a contract authorized by Section 4 of this Act.

SECTION 12. CITY RESPONSIBILITIES. All other city services not allocated to the district pursuant to a contract shall be the responsibility of the city.

SECTION 13. NO DISANNEXATION. A common area that is the subject of a contract under the authority of this Act shall not be subject to disannexation under the provisions of the Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes), or any other similar law or provision, with respect to services to be performed by a district pursuant to a contract authorized by Section 4 of this Act.

SECTION 14. CUMULATIVE PROVISION. This Act shall be cumulative of other legislation pertaining to the same or similar subjects; provided, that districts and cities electing to enter into contracts pursuant to this Act shall be governed solely by the provisions of this Act insofar as such provisions extend any other statute, charter provision, or ordinance to the contrary notwithstanding.

"SECTION 15. CERTAIN AREAS EXCLUDED. The provisions of this Act shall not apply to any area which contains ten (10) or more separate water and sewer utility systems constructed, or caused to be constructed, by ten (10) or more separate water districts organized and existing under the provisions of Article XVI, Section 59 of the Texas Constitution."

SECTION 16. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The substitute for the committee amendment was read and was adopted.

The committee amendment as amended was then adopted.

Senator Schwartz offered the following amendment to the bill:

Amend the caption of **S.B. 1155** to read as follows:

A BILL TO BE ENTITLED
AN ACT

relating to allocation of governmental services and a corresponding apportionment of ad valorem taxes between certain districts vested with powers under both Article XVI, Section 59, and Article III, Section 52, of the Texas Constitution and certain cities; authorizing contracts between such districts and such cities with respect to common areas and with respect to such allocation and apportionment; containing provisions relating to apportionment of taxes, performance of services, changes in apportionment factors, approval and execution of contracts, voter approval of taxes, liability and indemnity, equality and uniformity of taxes, fees, charges and assessments, district rules and regulations, city responsibilities, and disannexation; providing that this Act shall be cumulative but that such districts and such cities shall be governed solely by this Act in certain respects; excluding certain areas from the application of this Act; containing findings and other provisions relating to the subject; and declaring an emergency.

The amendment was read and was adopted.

The bill as amended was passed to engrossment.

SENATE BILL 1155 ON THIRD READING

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1155** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Snelson.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Snelson.

COMMITTEE SUBSTITUTE SENATE BILL 428 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 428, Relating to the appointment, duties, and staff of presiding judges of the administrative judicial districts, and the duties of the chief justice of the supreme court.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 428 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 428** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Snelson.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Snelson.

SENATE BILL 681 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 681, Relating to expiration, revenue, and bonding authority of the Battleship Texas Commission.

The bill was read second time.

Senator Schwartz offered the following amendment to the bill:

Amend SB 681, beginning at Page 1, Line 63, as follows:

connection with admission to and inspection of said vessel ~~(and such)~~. The fees, charges, and concession revenues shall be deposited in the State Treasury to the credit of a special fund to be known as the Battleship Texas Commission operating expense fund and may be used only for the general operating expenses of the Commission. At the end of each state fiscal year, the State Treasurer shall determine if the amount of money in the operating expense fund exceeds the amount of money appropriated from the fund for the next fiscal year. The State Treasurer shall transfer the excess money to a special fund in the State Treasury to be known as the Battleship Texas major repairs fund. The money in the major repairs fund may be used only for major repairs to the Battleship Texas.

And, beginning at Page 2, Line 46, as follows:

~~No net revenues derived from admission or inspection fees and charges or from concession contracts shall be paid into the General Revenue Fund when there are outstanding revenue bonds payable from said net revenues; provided that if there are no such outstanding revenue bonds, then on August 31st of each year while there are no outstanding bonds, the Commission shall cause to be paid into the State Treasury of the State of Texas for the benefit of the General Revenue Fund all net revenues then on hand in excess of Three Hundred Thousand Dollars (\$300,000)."~~

The amendment was read.

On motion of Senator Brooks, the amendment was tabled by the following vote: Yeas 22, Nays 8.

Yeas: Andujar, Blake, Braecklein, Brooks, Creighton, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Price, Santiesteban, Short, Williams.

Nays: Clower, Doggett, Mauzy, Patman, Schwartz, Traeger, Truan, Vale.

Absent-excused: Snelson.

The bill was passed to engrossment.

RECORD OF VOTE

Senator Doggett asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 681 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 681** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Bracklein, Brooks, Clower, Creighton, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Traeger, Truan, Vale, Williams.

Nays: Doggett.

Absent-excused: Snelson.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Doggett asked to be recorded as voting "Nay" on the final passage of the bill.

COMMITTEE SUBSTITUTE SENATE BILL 319 ON SECOND READING

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 319, Relating to liability insurance for county and precinct peace officers; amending Section 1, Chapter 653, Acts of the 65th Legislature, Regular Session, 1977 (Article 2372h-7, Vernon's Texas Civil Statutes), and declaring an emergency.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 319 ON THIRD READING

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 319** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Snelson.

The bill was read third time and was passed.

MOTION TO PLACE SENATE BILL 779 ON SECOND READING

Senator Harris asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 779, Relating to creation of a commission to coordinate celebrations of the 150th anniversary of Texas' independence as a republic and progress as a state.

On motion of Senator Harris and by unanimous consent, the motion to suspend the regular order to consider **S.B. 779** was withdrawn.

**COMMITTEE SUBSTITUTE SENATE BILL 665
ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 665, Relating to hunting on a public road or the right-of-way of a public road; providing a penalty.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Meier and Patman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 665
ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 665** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Mengden, Moore, Ogg, Parker, Price, Santiesteban, Schwartz, Traeger, Truan, Vale, Williams.

Nays: Blake, Meier, Patman, Short.

Absent-excused: Snelson.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4. (Same as previous roll call)

BILLS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills:

H.B. 1050

H.B. 761

SENATE BILL 518 ON SECOND READING

On motion of Senator Ogg and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 518, Relating to an appeal bond in an appeal from a conviction in a justice or municipal court.

The bill was read second time and was passed to engrossment.

SENATE BILL 518 ON THIRD READING

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 518** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Snelson.

The bill was read third time and was passed.

SENATE BILL 653 ON SECOND READING

On motion of Senator Ogg and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 653, Relating to the duties, in criminal cases, of the clerks of the District and County Courts, and amending Article 2.21 of the Code of Criminal Procedure of 1965, as amended, and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 653 ON THIRD READING

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 653** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Snelson.

The bill was read third time and was passed.

MEMORIAL RESOLUTION

H.C.R. 137 - (Farabee): Memorial resolution for George Humphreys.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.C.R. 64 - By Parker: Extending congratulations to members and coaching staff of the Lamar University Basketball Team.

H.C.R. 133 - (McKnight): Extending congratulations to Miss Kay Kenner, Texas Junior Miss, 1979.

S.R. 365 - By Clower: Extending welcome to Reverend and Mrs. John Poling.

S.R. 366 - By Clower: Extending welcome to Mr. and Mrs. Roy Capers and their children Wendy, Tammy, Kelly, and John David.